

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2679

Introduced by Assembly Member Eng

February 19, 2010

~~An act relating to public resources.~~ *An act to add Chapter 2.9 (commencing with Section 15814.50) to Part 10B of Division 3 of the Government Code, relating to public buildings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Eng. ~~Energy~~ *Public buildings: energy and water: consumption reductions.*

The State Building Construction Act of 1955 authorizes the State Public Works Board to acquire, and to engage in the construction of, cogeneration equipment, alternative energy equipment, or conservation measures, and any combination thereof, and to enter into energy service contracts at any structure, building, facility, site, or work used, owned, or acquired by state agencies, subject to specified criteria. Existing law also requires that all new public buildings be models of energy efficiency and be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective or the less of the energy efficiency measure.

This bill would require all public buildings, as defined, to conform to a 15-year compliance schedule to achieve reductions in energy and water consumption and to maintain specified water and energy reduction levels on and after January 1, 2025, and 2030, respectively. The bill would require, on or before January 1, 2013, each public entity operating a public building to provide to the Department of General Services a certified onsite assessment of the facility's energy and water

consumption levels. The bill would require applicable public entities to adopt and implement processes outlined in the Green Building Action Plan and to ensure that these processes are consistent with other efficiency measures outlined in existing law. The bill would impose a reporting requirement on the Department of General Services with respect to the attainment of the energy consumption and water use reduction targets.

~~Existing law, the Warren-Alquist State Energy Resources Conservation Development Act, declares, among other things, that electrical and natural gas utilities should have as a principal goal of their resource planning and investment to minimize the cost to society of reliable energy services, improve the environment, and encourage the diversity of energy sources. The act also declares that those utilities should seek to exploit all practicable and cost-effective conservation and improvements in the efficiency of energy use and distribution that offer equivalent or better system of reliability.~~

~~Existing law authorizes any specified public entity to adopt and enforce a water conservation program to reduce the quantity of water used by specified persons for the purpose of conserving the water supplies of the public entity.~~

~~This bill would express the intent of the Legislature to enact legislation that creates a tiered system for achieving consumption reductions in energy and water in all public sector agencies for cost reduction, cost avoidance, and environmental compliance purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *Transitioning California public facilities to energy*
- 4 *independence will help stabilize California's General Fund*
- 5 *spending on energy operational costs.*
- 6 (b) *The reduction of operational costs will assist in getting*
- 7 *public sector workers back to work.*
- 8 (c) *The transition to energy independence will create sustainable*
- 9 *private sector jobs in manufacturing, sales, and the skilled trades.*

1 (d) Water conservation will reduce the impact of water use on
2 all water sources and will help balance the use of water effectively
3 for agriculture, industrial, and personal daily life.

4 (e) Green building is one of the best strategies for meeting the
5 challenge of climate change because the technology to make
6 substantial reductions in energy and water already exists.

7 (f) Modest investment in energy saving and other climate
8 friendly technologies can contribute to carbon emission reductions
9 and yield buildings and communities that are environmentally
10 responsible, profitable, and healthier places to live and work.

11 (g) Clean energy, green infrastructure, and environmental
12 protections are all important cornerstones to consider in job
13 creation initiatives.

14 (h) The state can stimulate the market by investing in clean
15 energy that will encourage stable, long-term economic growth and
16 job creation while reducing carbon emissions, protecting natural
17 resources, and promoting development in needed areas.

18 (i) The Public Utilities Commission has conveyed a vision that
19 commercial buildings will be put on a path to zero net energy by
20 2030 for all new buildings and many existing ones. Innovative
21 technologies and practices will dramatically grow in use through
22 a combination of technological development, financing and
23 incentives, and market demands.

24 SEC. 2. Chapter 2.9 (commencing with Section 15814.50) is
25 added to Part 10B of Division 3 of the Government Code, to read:

26
27 *CHAPTER 2.9. ENERGY AND WATER USE REDUCTIONS IN PUBLIC*
28 *BUILDINGS*
29

30 15814.50. For purposes of this chapter, the following terms
31 shall have the following meanings:

32 (a) "Established baseline measurements" means the baseline
33 measurements of electricity and water consumption levels from
34 January 1, 2006, to December 31, 2008, inclusive, established by
35 public agencies operating public buildings pursuant to subdivision
36 (b) of Section 15914.51.

37 (b) "Public buildings" means state, county, city, and city and
38 county public buildings funded with money from the General Fund.

39 (c) "Public entity" means a state, county, city, or city and county
40 public entity that operates a public building.

(d) “Retro-commissioning” or “existing building commissioning” means the systematic, documented process that identifies low-cost operational and maintenance improvements in existing buildings and conforms the buildings to the design intentions of its current usage.

15814.51. (a) All public buildings shall conform to the following compliance schedule to achieve reductions in energy and water consumption:

(1) On or before January 1, 2015, reduce energy consumption from the established baseline measurements by 15 percent and water consumption by 10 percent.

(2) On or before January 1, 2020, reduce energy consumption from the established baseline measurements by 30 percent and water consumption by 20 percent.

(3) On or before January 1, 2025, reduce energy consumption from the established baseline measurements by 60 percent and water consumption by 30 percent.

(4) On or before January 1, 2030, all existing and new public building facilities shall have net zero energy consumption or be grid neutral.

(b) (1) On and after January 1, 2025, all public buildings shall maintain the water use reduction level specified in paragraph (3) of subdivision (a).

(2) On and after January 1, 2030, all public buildings shall maintain the energy consumption reduction level specified in paragraph (4) of subdivision (a).

(c) In order to meet the compliance schedule specified in subdivision (a), each public entity operating a public building shall establish a baseline measurement of electricity and water consumption levels from January 1, 2006, to December 31, 2008, inclusive.

15814.52. (a) On or before January 1, 2013, each public entity operating a public building shall provide the Department of General Services with a certified onsite assessment of the facility’s energy and water consumption levels.

(b) (1) The assessment required pursuant to subdivision (a) shall include, but not be limited to, a customized written report. The report shall include a list of recommended retrofits to improve energy efficiency and reduce water consumption and shall also indicate the grant amounts, both federal and state, made available

1 *for each eligible upgrade to the facility to carry out these energy*
2 *and water saving improvements, if applicable.*

3 *(2) The assessment shall be conducted by a private or public*
4 *entity using methodology and building commissioning guidelines*
5 *approved by the State Energy Resources Conservation and*
6 *Development Commission and the Department of Water Resources.*

7 *15814.53. In complying with the requirements of this chapter,*
8 *all applicable public entities shall do both of the following:*

9 *(a) Adopt and implement processes outlined in the Green*
10 *Building Action Plan, as that plan accompanies the Governor's*
11 *Executive Order S-20-04, and to include additional processes for*
12 *the achievement of reduced water reduction and energy*
13 *consumption.*

14 *(b) Adopt processes that are consistent with energy efficiency*
15 *measures outlined in statutes, regulations, and agency guidelines.*

16 *15814.54. Each public entity operating a public building shall*
17 *employ retro-commissioning, existing building commissioning, or*
18 *continual followup and analysis of completed improvements*
19 *according to the five-year schedule established in Section 15814.51*
20 *or whenever major energy or water consuming systems or controls*
21 *are replaced.*

22 *15814.55. Financing for the projects undertaken pursuant to*
23 *this chapter shall maximize the use of outside financing, including,*
24 *but not limited to, existing loan, lease, energy efficiency, and*
25 *retirement investment programs.*

26 *15814.56. (a) Notwithstanding Section 10231.5, the*
27 *Department of General Services shall annually report to the*
28 *Legislature and the Governor on the progress toward attaining*
29 *the energy consumption and water use reduction targets in public*
30 *buildings pursuant to this chapter and recommend any changes*
31 *to ensure that these goals are met.*

32 *(b) A report submitted pursuant to subdivision (a) shall be*
33 *submitted in compliance with Section 9795.*

34 ~~SECTION 1. It is the intent of the Legislature to enact~~
35 ~~legislation that creates a tiered system for achieving consumption~~
36 ~~reductions in energy and water in all public sector agencies for~~
37 ~~cost reduction, cost avoidance, and environmental compliance~~
38 ~~purposes.~~